

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Southern District of New York ☐

Mondello

Plaintiff(s)

v.

David Barton, et. al.

Defendant(s)

Civil Action No. 18-cv-12211

## SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) David Barton  
C/O TMPL GYM  
Via Actual Place of Employment  
355 W 49th St,  
New York, NY 10019

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Derek Smith Law Group, PLLC  
Attn: Abraham Z. Melamed, Esq.  
1 Penn Plaza, Suite 4905  
New York, New York 10119

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 12/27/2018

/s/ J. Gonzalez

Signature of Clerk or Deputy Clerk

